

CRIMINAL JUSTICE TRAINING REFERENCE MANUAL

PRE-EMPLOYMENT GUIDELINES

SEP 98

Adopted 05/98

DEPARTMENT OF CRIMINAL JUSTICE SERVICES GUIDELINES FOR ALLOWING INDIVIDUALS TO ATTEND CRIMINAL JUSTICE MANDATED TRAINING PROGRAMS PRIOR TO EMPLOYMENT

The following guidelines are provided to certified criminal justice academies which allow individuals to attend mandated entry level training programs for law enforcement officers, jailors or custodial officers, courthouse and courtroom security officers, process service officers and dispatchers of law enforcement personnel who are not currently employed by a Virginia criminal justice agency as defined by Section 9-169(3) of the Code of Virginia, 1950, as amended.

I. CERTIFIED ACADEMY REQUIREMENTS

- A. Each participating academy shall develop and adopt policies pertaining to pre-employment training approved by the academy governing body or agency administrator. At a minimum, policies adopted by the academy governing body shall comply with the requirements set forth herein. The policy may be a part of or a chapter of the policy and procedure manual addressing academy certification requirements.
- B. The governing body of each academy shall acquire and maintain liability insurance necessary to provide coverage for the academy in the event of litigation as a result of accident injury or death to any individual participating in training under this program.
- C. The governing body of each academy shall prepare and require each pre-employment applicant to sign a "hold harmless agreement" which is intended to limit the exposure of the certified academy of liability in the event of accident, injury or death provided that such academy follows prescribed safety rules and established policies and procedures. Such signature shall be witnessed by a notary public and therefore attested to.
- D. The academy board of directors or agency administrator shall establish the minimum age of pre-employment applicant for admission in their program. Any pre-employment applicant must be at least eighteen (18) years of age.
- E. Each pre-employment applicant shall be provided, in writing, a copy of the certified training academy rules of conduct and safety prior to being allowed to attend training and must sign an agreement to adhere to such rules. Each pre-employment applicant shall be advised, in writing, of disciplinary procedures and possible consequences in conjunction with any rules violation.
- F. Each academy shall prepare a list of additional equipment and expendable supply needs, beyond the cost of tuition, as may be required for the mandated entry-level training program the pre-employment student will be attending.
- G. Each academy shall prepare a document to be provided to the pre-employment applicant indicating the physical tasks which are a part of the training process and which will be required of the pre-employment student candidate.
- H. All requirements of applicable rules, regulations and policy established by the academy or the Criminal Justice Services Board shall be followed.
- H. Each certified training academy shall establish the tuition cost(s) associated with pre-employment training.

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- I. Each certified training academy shall adopt a policy pertaining to reimbursement in the event of early withdrawal of a pre-employment student. The policy must address pre-employment student withdrawal, pre-employment student failure, disciplinary expulsion and any other situations which may constitute the need for a pre-employment student refund.
- J. Upon admission of a pre-employment student into an entry level training program, the academy director of the certified academy shall submit a Pre-Employment Training Registration to DCJS. The certified academy conducting the pre-employment training shall cut one check reflecting the registration of all pre-employment students in the class and submit it to DCJS with the Training Registration Forms. Checks should be made payable to "Treasurer, Commonwealth of Virginia."
- K. Each participating academy shall create an applicant review committee for the purpose of reviewing applications and all requirements which must be completed prior to acceptance in a pre-employment training school. The committee shall be composed of a minimum of three (3) persons to exclude academy staff. Regional academies may select such members from the governing board or elsewhere. Independent academies are encouraged to select a representative from the office of the chief of police or sheriff, personnel and a line commander. It shall be the responsibility of this committee to review all potential students applications and supporting documentation and decide eligibility to participate.
- L. Each participating academy shall develop a sexual harassment policy which shall state the certified academy policy regarding sexual harassment and identify recognized conduct which may constitute sexual harassment and those actions which will be instituted by the academy in the event of an accusation of sexual harassment. Such policy shall be approved by the chief of police, sheriff or agency administrator of an independent academy and the governing board of a regional academy. Participating academies shall develop a procedure to provide evidence that such policies have been distributed, and are understood. This shall become part of the applicants file.
- M. Each participating academy shall develop and institute a policy pertaining to the admission of students in compliance with the Americans with Disabilities Act. Participating academies shall develop a procedure to provide evidence that such policies have been distributed, and are understood. This shall become part of the applicants file.
- N. Each participating academy shall develop a policy which details the academy responsibility to conduct residential and employment background investigations of each potential applicant to be considered for acceptance in a pre-employment training program. Minimally, the background investigation will consist of contacting the two most recent employers of the applicant and references used by the applicant for acceptance. The policy shall also detail methods used to conduct residential background reference checks. It is recommended that any residential background reference checks be conducted in the last location in which the individual resided for at least 24 months.
- O. Upon completion of pre-employment training, the academy director of the certified academy shall indicate completion of training by a pre-employment student within thirty (30) days on a "Pre-employment Training Roster" as provided by D.C.J.S.

Policies developed which stipulate requirements for the admission of a pre-employment applicant into approved certified academy training shall be distributed to the applicant prior to making application for acceptance. The certified academy may choose to distribute individual policies, a memorandum of understanding which contains the contents of all policies or a fact sheet(s) which contain all required policy information.

II. INDIVIDUAL APPLICANT REQUIREMENTS

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Virginia criminal justice agencies have various hiring requirements which may vary from agency to agency. Therefore, attendance and completion of state mandated training does not guarantee an offer of employment by a Virginia criminal justice agency.

The governing body of each academy shall require each pre-employment applicant to provide evidence of the following prior to admission to any entry-level training program mandated by the Criminal Justice Services Board and related to a mandated training requirement:

- A. Evidence that such pre-employment applicant is a citizen of the United States. Such evidence shall consist of an original birth certificate issued by the Virginia Department of Health or state agency responsible for the issuance of such birth certificates in the state in which the pre-employment applicant was born. Copy reproductions are unacceptable. Any pre-employment applicant currently in good standing in the citizenship naturalization process may be accepted.
- B. Evidence of a valid drivers license. This requirement may not apply to applicants attending training other than entry-level law enforcement.
- C. Evidence of completion of high school or GED requirements. This provision is optional in conjunction with the academy policy for any individual applying to attend an entry level pre-employment dispatcher training program.
- D. Evidence from a licensed physician that the pre-employment applicant has completed a physical examination and is in good physical health and capable of completing the physical requirements of the entry-level training program which the applicant will be attending. The pre-employment applicant shall provide to the licensed physician conducting the physical examination the list of physical tasks which will be required for completion of training as provided by the certified criminal justice academy. A licensed physician must provide authorization to the certified academy indicating the applicant's capability to participate. The pre-employment applicant is responsible for the costs associated with any physical examination. This provision is optional in conjunction with the academy policy for any individual applying to attend an pre-employment entry level dispatcher training program.
- E. Evidence of a completed criminal history check to ensure that the pre-employment student applicant has not been convicted of or plead guilty or no contest to a felony or any offense that would be a felony if committed in Virginia. The criminal history records check is to be conducted by a Virginia criminal justice agency and shall, at a minimum, include Virginia fingerprint based criminal history records examination. The applicant must provide evidence of a completed fingerprint based criminal history examination for all states in which he or she resided beyond his or her fourteenth birthday. The pre-employment applicant is responsible for payment of any necessary fees associated with conducting a fingerprint based examination. Each pre-employment applicant shall agree to sign a written release authorizing criminal history record information to be released directly to the certified academy to which the applicant is applying.
- F. Each pre-employment applicant shall be required to take a drug test administered by a physician or drug testing facility which shall be approved by the certified training academy. The applicant is responsible for payment of any necessary fees associated with such drug test screening. The pre-employment applicant shall agree to report the findings of the drug test screening in a manner designated by the academy. Drug test screening is for the purpose of identifying the use of illegal drugs only.

- G. The pre-employment applicant may be required, in accordance with written policy established by the certified training academy, to submit to literacy testing, psychological testing or other screening devices. The parameters and costs for such testing shall be designated in a manner prescribed by the academy governing body.
- H. Each pre-employment student shall be required to sign an agreement attesting that all information provided as part of the application process is true and correct. The agreement shall include an acknowledgment by the applicant that , misleading or falsified information constitutes grounds for immediate dismissal and all training received shall be considered null and void.

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III. ADDITIONAL QUALIFIERS

It shall be the responsibility of the Virginia criminal justice agency employing a pre-employment student graduate to ensure that the following additional requirements are met prior to employment or within twelve months of date of employment, whichever is specified:

- A. Subsequent to employment, each pre-employment student graduate must comply with all field training or on the job training requirements as required by applicable rules. No credit toward mandated field training or on the job training may be attained during pre-employment student status.
- B. Prior to employment as a law enforcement officer or deputy sheriff, the chief of police, sheriff or agency administrator must ensure that the pre-employment student graduate has complied with all requirements of Section 15.2-705 of the Code of Virginia.
- C. Driver training and firearms may be attended for completion of training requirements in those academies who require the applicant to have a law enforcement agency sponsoring the individual provided the sponsoring agency provide the individual with a police equipped vehicle and agency authorized handgun and leather gear or the academy itself provides a police equipped vehicle and/or appropriate handgun and leather gear. Such training shall only be valid for the time period specified and only if the individual is subsequently employed by a Virginia criminal justice agency.
- D. Subsequent to employment, each pre-employment student graduate must qualify with the firearm carried in the performance of duty. The following guidelines apply:
 - 1. If the individual did not attend and successfully complete firearms training as part of the approved pre-employment training school, the individual must attend an approved entry level training school, attend, and successfully complete all firearms classroom and range training.
 - 2. If the individual attended and satisfactorily completed both classroom and range training in an approved pre-employment training school, the individual must meet the firearms requirements of in-service training including the safety and legal updates as well as qualifying with the handgun carried in the performance of duty on an approved in-service training course as well as qualifying with any other weapons to which the individual will have access.
- E. Subsequent to employment, each pre-employment graduate must complete all behind the wheel driver training range exercises with a law enforcement vehicle or certified academy vehicle acceptable to the employing agency.

IV DISQUALIFIERS

The following are conditions which will cause the applicant/student to be immediately disqualified or removed from any pre-employment training program conducted by a certified training academy.

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- A. No applicant for pre-employment student status may be accepted into an approved entry-level training program mandated by the Criminal Justice Services Board if any of the provisions of "Individual Requirements", items 1 through 8 are not met by the pre-employment applicant for pre-employment student status.
- B. Any student found to have provided false information, misleading information or has omitted information which is required to be submitted as part of the application process shall be immediately dismissed from any pre-employment training program being attended. All training received shall be considered null and void. Any reimbursement which may be due the student shall be in accordance with the certified academy's written policy.
- C. No applicant shall be admitted if the individual is prohibited from carrying a firearm by federal or Commonwealth law or statutory authority.

V. GENERAL APPLICATIONS

The following is of general application in nature:

- A. Successful completion of pre-employment training is valid for a period not to exceed twenty-four months from the date of completion of the mandated entry level training. However, this time may be extended only for a valid reason as specified in the applicable rules.
- B. The Department of Criminal Justice Services shall assess a \$100.00 fee to defray expenses related to training materials, data entry, maintenance of training records and related tasks.
- C. Upon acceptance of a pre-employment student for training by a certified criminal justice academy, a pre-employment student registration form provided by the Department of Criminal Justice Services shall be submitted to D.C.J.S. within ten (10) days of acceptance accompanied by a check made payable to "Treasurer, Commonwealth of Virginia" in the amount of \$100.00.